

JASON R. MICIAK, P.C.

Attorney at Law

139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632

Phone: (208) 734-5444
FAX: (208) 734-5605
Email: jmiciak@yahoo.com

RECEIVED
JAN 22 2004
Department of Water Resources

January 21, 2004

Director Karl Dreher
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098
VIA FAX: (208) 327-7866

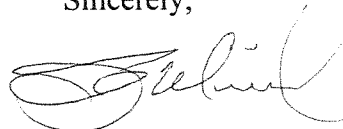
RE: Amendment of Clerical Error in January 9, 2004
Call for water

Dear Director Dreher:

Due to a clerical error in my office, the Department was given the wrong "Bill Jones" water right for which I am making a call for water. I represent the Mr. And Mrs. Bill Jones that claim water right number 36-07071 under the name Deloris D. Jones and John W. Jones Jr. as decreed in the SRBA. The water right is one for 73.05 cfs, of which the Jones state they are receiving around half. The priority date is July 8, 1969. Please note that it is for this water right – and this Bill Jones – that I make our call for water, and not those previously listed.

For better or worse the issues to be decided in the next few weeks are bigger than any single claimant and hopefully this error is easily rectified. I am willing to help your staff in any way to right this situation.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc

JAN 12 2004

Department of Water Resources

JASON R. MICIAK, P.C.**Attorney at Law**

139 River Vista Place, Suite 102 Phone: (208) 734-5444
P.O. Box 2632 FAX: (208) 734-5605
Twin Falls, Idaho 83303-2632 Email: jmiciak@yahoo.com

January 9, 2004

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Delivery of Water to Pristine Springs, Inc.,
SeaPac of Idaho, Inc. and William D. Jones, Jr.

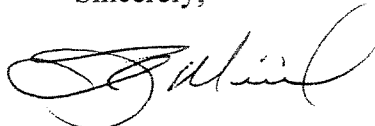
Dear Director Dreher,

This letter will address the only remaining option to the above water users in an effort to preserve their right to use water as outlined in their licenses and decrees. Exhibit one sets forth the senior water rights belonging to the above parties which are experiencing intolerable injury. These water rights are all within Water District 130 which was set up specifically to allocate water by priority under Chapter 6 of the Idaho Code. So far, the water is not being administered in accordance with the prior appropriation doctrine because senior surface water rights are severely diminished while junior groundwater users are pumping at all time highs. This situation cannot continue. As the situation stands, Idaho bears little resemblance to a prior appropriation state and, at least with respect to groundwater, riparian law seems to be in force.

My clients demand that you undertake the obligation lawfully proscribed to you in Idaho Code Title 42 Chapter 6, and administer and deliver water in strict accordance with the prior appropriation doctrine.

My clients are well aware of the complex and difficult nature of their demand, however the law of the State of Idaho is clear and it is their right and obligation to make such a demand. I look forward to hearing from you as to how the Department will carry out its constitutional and statutory duty to my clients.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc
attachment
Cc: Clients

January 18, 2004

Karl J. Dreher
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
JAN 27 2004
Department of Water Resources

Dear Mr. Dreher:

I went to the meeting in which Mr. Tuthill spoke and talked about the water model. Mr. Tuthill talked about damages from reduced spring flows. I have gone through many damages or costs over the years with my spring flows reducing. Spring 36-00073 use to irrigate 6 acres plus give me my domestic water. The 6 acres is above the John Bell ditch which was being watered by gravity corrugations. Now as of 1/18/04 it is only flowing 7.8 g.p.m., which is not even enough to fill my domestic right. So I have had to spend money to pump the water up the hill to irrigate those acres from another source.

Three years ago Spring 35-00074 was watering 8 acres with no pump, because of the height I was able to gravity the water into the sprinkler system. Now there is only enough water for 1 acre from this spring, it is flowing 16 g.p.m. as of 1/18/04. I had to install a pump from another source and pump it up hill also. Therefore I have costs of both pumps and electricity to pump the water. I would go back to gravity on both if there were enough water in the springs.

Since I can't make a call on my irrigation water because it is not irrigation season, I will **MAKE A CALL** on my domestic 36-00073 (date 1881). If I have to drill a well because of not enough water the cost to me would be high. I would have to pay for the well, electricity, and changing the plumbing in my house. I would have to change my heating and cooling system in my house because now I use gravity spring water to do it all. I also would have to change the method I irrigate my lawn. My house is set up for gravity spring water; it has been getting that water since 1881.

I wrote to you on Nov. 22, 2003 and the domestic was flowing 10 g.p.m. and dropping fast. Your answer to me was the 10 g.p.m. was adequate - now it is way below that and will continue to fall all winter, spring, and summer. When do you finally do something? I need help. So please deliver me the water. If your answer is still not satisfactory, I will probably have to get a lawyer to help me fight you even though it is your job to deliver that water. I will become an active participant instead of an inactive participant.

Sincerely,

Layne Osborne
966 Justice Grade
Hagerman, ID 83332



December 18, 2003

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Delivery of Water to Water Right No. 36-7875

Dear Mr. Dreher:

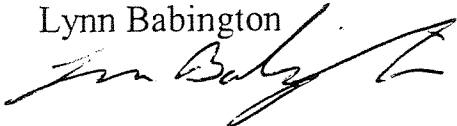
Water Right No. 36-7875 is entitled to delivery of 10.0 c.f.s from Billingsley Creek for fish propagation under a priority date of October 24, 1979.

The Water master of District 36-A was unable to make full delivery of the entitled 10.0 c.f.s during the summer of 2003.

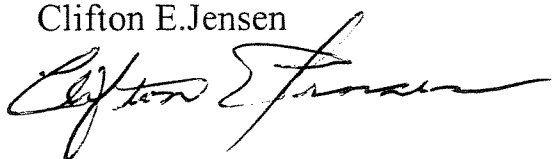
Demand is hereby made that you direct the District Water masters to administer water rights in the Water Districts as required by Idaho Code § 42-607 in order to supply this prior right. This demand is for the period of January 1 to December 31 as specified in the water right.

Sincerely,

Lynn Babington



Clifton E. Jensen



RECEIVED

OCT 17 2003

Department of Water Resources

Aquarious Aquaculture
2674 Norwood Rd.
Hagerman, Idaho 83332

October 7, 2003

To: Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Delivery of Water

Dear Mr. Dreher:

Water right numbers:	<u>Number</u>	<u>C.F.S.</u>	<u>Priority Date</u>
	36-07160	2.64	2-18-71
	36-07159	10	2-18-71
	36-07092B	<u>10</u>	11-6-69
		22.64	

are entitled to delivery of 22.64 c.f.s from Hidden Springs for fish propagation. Today the facility that utilizes these water rights is receiving less than 50% of the water entitled by these rights from the spring source.

Demand is hereby made that you direct the Water master to administer water rights required by Idaho Code § 42-607 in order to supply this prior right.

Sincerely,



David Huff
Vice President
Aquarious Aquaculture

May, Sudweeks & Browning, LLP

Attorneys At Law

JAY D. SUDWEEKS, PC
J. DEE MAY, PC
BART D. BROWNING, CHTD.
J. JUSTIN MAY

jdmay@tflaw.com

Twin Falls, Idaho
516 Second Street East
P.O. Box 1846
83303
Telephone (208) 733-7180
Facsimile (208) 733-7967

Reply to Twin Falls Office

Boise, Idaho
1419 W. Washington
P.O. Box 6091
83707
Telephone (208) 429-0905
Facsimile (208) 342-7278

September 23, 2003

VIA FACSIMILE
208-327-7866

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard St.
Boise, ID 83706-2237

RE: Delivery of Water to Water Right Nos. 36-15501, 36-2551 and
36-7694

Dear Mr. Dreher:

It was a pleasure to meet with you a few weeks ago to discuss the issues pertaining to the administration of water rights in Water District 36A; if you recall I represent Rangen, Inc. Thank you for meeting with us and taking the time from your busy schedule to discuss issues of concern to Rangen, Inc.

I am writing now concerning the delivery of water, or really the lack thereof, to Rangen, Inc. in the Hagerman Valley. Rangen is entitled to delivery of 1.46 cfs from the Martin-Curren Tunnel for fish propagation under a priority date of July 1, 1957, pursuant to Water Right No. 36-15501. Rangen is entitled to the delivery of 48.54 cfs from the Martin-Curren Tunnel for fish propagation under a priority date of July 16, 1962, pursuant to Water Right No. 36-2551. Rangen is also entitled to delivery of 26 cfs from Martin Curren Tunnel for fish propagation under a priority date of April 12, 1977, pursuant to Water Right No. 36-7694. As of September 1, 2003, Rangen, Inc. is receiving less than a total of 10 cfs from the Martin-Curren Tunnel.

I understand from reading correspondence between yourself and Mr. Donnie McFadden (particularly referencing paragraph 1 of your letter to Mr. McFadden dated July 24, 2002) that you and various ground water users are engaged in efforts to address the dwindling supply of water in District 36A; despite these efforts Rangen's

Mr. Karl Dreher
September 23, 2003
Page 2

water delivery has been diminished to the point that it is unable to adequately operate its Hagerman aquaculture facility.

It is my understanding that you have the heavy responsibility (both constitutionally and statutorily) to administer the waters of the State of Idaho in accordance with the Prior Appropriation Doctrine. On my client's behalf I am asking that you shoulder that difficult responsibility and administer the diversion of water in District 36A in such a way that my client receives its full appropriation of the above-referenced water rights.

Thank you for your time and I hope to receive notification very soon of how you intend to administer the water in District 36A in order to supply water to Rangen, Inc. as requested.

Very truly yours,

MAY, SUDWEEKS & BROWNING, LLP



J. DEE MAY

JDM:mab

cc: Wayne Courtney
Dan Steenson
John Simpson
Jason Miciak